

No. 126, Original

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IN THE  
SUPREME COURT OF THE UNITED STATES

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STATE OF KANSAS,

*Plaintiff,*

v.

STATE OF NEBRASKA

and

STATE OF COLORADO,

*Defendants.*

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Before The Honorable William J. Kayatta, Jr.  
Special Master

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**KANSAS EXHIBIT LIST FOR TRIAL**

**July 19, 2012**

## **Kansas Exhibit List for Trial**

**July 19, 2012**

- K1 Kansas Division of Water Resources, Republican River Basin Map (2010)
- K2 U. S. Bureau of Reclamation, Map of Frenchman-Cambridge Division (rev. 1970).
- K3 U. S. Bureau of Reclamation, Map of Bostwick Division (1957)
- K4 Curriculum Vitae of Dale E. Book, P.E.
- K5 “Engineering Analysis of Losses to Kansas Water Users Resulting from Nebraska’s Overuse of Republican River Water in Nebraska in 2005 and 2006,” Expert Report by Spronk Water Engineers (November 18, 2011)
- K6 U.S. Bureau of Reclamation, Niobrara, Lower Platte, and Kansas River Basins, Annual Operating Plans, 2005-2009
- K7 Monthly Republican River Streamflow for Hardy and Concordia, 2005- 2006
- K8 Hansen, C.V., “Water-Table Conditions, Aquifer Properties, and Streambed Permeability Along the Republican River from Near Hardy, Nebraska, to Concordia, Kansas,” U. S. Geological Survey Water-Resources Investigations Report 98-4162 (1998)
- K9 Fader, S.W., “Ground Water in the Republican River Area, Cloud, Jewell, and Republic Counties, Kansas,” Kansas Geological Survey Bulletin 188 (1968)
- K10 Kansas Division of Water Resources, “Technical Guidelines for determining the availability of ground water for appropriation in the Lower Republican River Basin and Belleville Formation and the availability of surface water for appropriation in the Lower Republican River Basin” (1999)
- K11 U. S. Bureau of Reclamation, Map of Courtland Unit – Kansas (1977)

- K12 “Analysis of Measures that Would Have Been Required for Nebraska to Achieve Water-Short Year Compliance with Republican River Compact in 2006,” Expert Report by Spronk Water Engineers (November 18, 2011)
- K13 “Requirements for Nebraska’s Compliance with the Republican River Compact,” Expert Report by Spronk Water Engineers (November 18, 2011)
- K14 U.S. Bureau of Reclamation, Reservoir Operations Data for Harlan County Reservoir
- K15 U.S. Bureau of Reclamation, Project data for Frenchman-Cambridge Irrigation District
- K16 U. S. Bureau of Reclamation, Allocation Diagrams for Swanson Lake, Enders Reservoir, Hugh Butler Lake, Harry Strunk Lake, and Harlan County Reservoir
- K17 “Rebuttal Report,” Expert Report by Spronk Water Engineers, May 25, 2012
- K18 Curriculum Vitae of Steven P. Larson
- K19 “Pumping Reduction Impacts for 2005-2006,” Expert Report of Samuel P. Perkins and Steven P. Larson, November 18, 2011
- K20 “Future Impacts of Pumping On Ground Water Consumptive Use,” Expert Report of Samuel P. Perkins and Steven P. Larson, November 18, 2011
- K21 Nebraska Department of Natural Resources, “Compliance Options During Dry Years for Integrated Management Planning in the Republican River Basin,” (October 2009)
- K22 Handouts for Upper Republican Natural Resources District, Special Meeting (July 13, 2006)
- K23 Curriculum Vitae of David Barfield, P.E.
- K24 “Ensuring Compliance by Nebraska,” Expert Report of David W. Barfield, P.E. (November 18, 2011)

- K25 First Report of the Special Master (Subject: Nebraska’s Motion to Dismiss), *Kansas v. Nebraska & Colorado*, No. 125, Orig. (January 28, 2000)
- K26 Upper Republican Natural Resources District (“NRD”) Order No. 28, First Generation Integrated Management Plan (“IMP”), and Amendments to Rules and Regulations (eff. June 2, 2005)
- K27 Rules and Regulations and the First Generation IMP for the Middle Republican NRD and the Nebraska Department of Natural Resources (adopted November 9, 2004; eff. January 1, 2005)
- K28 Lower Republican NRD Ground Water Management Rules and Regulations and First Generation IMP (eff. June 24, 2005)
- K29 Upper Republican NRD Order No. 29, Second Generation IMP, and Proposed Rules and Regulations for Ground Water Control (eff. March 13, 2008)
- K30 Rules and Regulations and the Second Generation IMP for the Middle Republican NRD and the Nebraska Department of Natural Resources (eff. February 8, 2008)
- K31 Lower Republican NRD Ground Water Management Rules and Regulations and Second Generation IMP (eff. February 29, 2008)
- K32 Third Generation Upper Republican NRD IMP (eff. November 1, 2010)
- K33 Third Generation Middle Republican NRD IMP (eff. November 1, 2010)
- K34 Third Generation Lower Republican NRD IMP (eff. October 1, 2011)
- K35 Upper Republican NRD Rules and Regulations Order 31
- K36 Middle Republican NRD Rules and Regulations (eff. August 1, 2012)
- K37 Lower Republican NRD Rules and Regulations (eff. July 18, 2009)
- K38 [NOT USED]
- K39 [NOT USED]

- K40 [NOT USED]
- K41 [NOT USED]
- K42 [NOT USED]
- K43 [NOT USED]
- K44 DNR Orders adopting First, Second, and Third Generation Upper Republican NRD IMPs and associated surface water controls
- K45 DNR Orders adopting First, Second, and Third Generation Middle Republican NRD IMPs and associated surface water controls
- K46 DNR Orders adopting First, Second, and Third Generation Lower Republican NRD IMP and associated surface water controls
- K47 Letter dated December 19, 2007, David Barfield to Ann Bleed
- K48 Letter dated February 4, 2008, Ann Bleed to David Barfield
- K49 RRCA Resolution dated May 16, 2008
- K50 Nebraska Department of Natural Resources, Map of Quick Response Areas, (2004)
- K51 [NOT USED]
- K52 [NOT USED]
- K53 [NOT USED]
- K54 "Rebuttal Report," Expert Report of David W. Barfield, P. E. (May 25, 2012)
- K55 Curriculum Vitae of David L. Pope, P.E.
- K56 "Determination of Decree Compliance and Remedies for Violation by Nebraska," Expert Report of David L. Pope, P.E. (November 18, 2011)

- K57 Letter dated April 9, 2003, from Roger Patterson to Lower Republican NRD Board
- K58 Letter dated November 3, 2004, from Roger Patterson to Lower Republican NRD
- K59 Letter dated May 1, 2006, from Ann Bleed to David Pope and Hal Simpson
- K60 Letter dated January 24, 2007, from David Pope to Ann Bleed
- K61 Fifth and Final Report of the Special Master, Vol. II, pp. cover, i-vii, 1-13, *Kansas v. Colorado*, No. 105, Orig., (2008) (Proposed Judgment and Decree)
- K62 Fourth Report of the Special Master, pp. cover, i-vii, 97-98, *Kansas v. Colorado* , No. 105, Orig., (2003)
- K63 Annual H-I Model Pumping 1995-2008
- K64 Amended Rules and Regulations Governing the Diversion and Use of Tributary Groundwater in the Arkansas River Basin, Appendix J.1 to Proposed Judgment and Decree, Fifth and Final Report of the Special Master, *Kansas v. Colorado*, No. 105 Orig. (2008)
- K65 Letter dated January 4, 2012, from the Colorado Division of Water Resources regarding Requirements for 2012-2013 Arkansas River Replacement Plans for Pre-1986 wells
- K66 *Texas v. New Mexico*, No. 65, Orig., 485 U.S. 388 (1988) (Amended Decree)
- K67 Joint Resolution dated October 6, 2009 by Republican River irrigation districts in Nebraska
- K68 Kansas Bostwick Irrigation District, Water Right File No. 385 (Republican River)
- K69 Kansas Bostwick Irrigation District, Water Right File No. 4,673 (White Rock Creek)
- K70 Memorandum of Agreement between the Bostwick Irrigation District in Nebraska and Kansas-Bostwick Irrigation District No. 2, dated October 4, 2000, with amendment
- K71 Kansas Bostwick Irrigation District, Water Usage Report, 2005

- K72 Kansas Bostwick Irrigation District, Water Usage Report, 2006
- K73 Pleadings related to the Nebraska irrigation districts' challenge to Nebraska Department of Natural Resources Orders adopting Third Generation IMPs
- K74 Letters from Michael J. Ryan, Regional Director, Bureau of Reclamation, to Counsel, re: Touhy requests: to John B. Draper, May 15, 2012; to Justin D. Lavene, May 15, 2012; and to Justin D. Lavene, April 6, 2012
- K75 Map, "Nebraska-Kansas Area Office, Republican River Projects," (February 27, 2008)
- K76 Frenchman-Cambridge Division Definite Plan Report ("DPR"), entitled "Volume 1, Part 3 – Appendix II – Water Supply" (1951)
- K77 Bostwick Division DPR, entitled "Volume 1, Part 3 – Appendix II – Water Supply" (1953)
- K78 U.S. Bureau of Reclamation, Average Water Deliveries and Federal Reservoir Average Annual Inflow
- K79 Bureau of Reclamation, Special Report: Republican River Basin Water Management Study, Colorado, Nebraska, Kansas, 1985
- K80 Resource Management Assessment, Republican River Basin (RMA), dated July 1996
- K81 [NOT USED]
- K82 Documents related to water purchase contracts: (1) Memorandum of Agreement between Nebraska and the Frenchman Valley Irrigation District, May 10, 2006; (2) Memorandum of Agreement between Nebraska and Riverside Irrigation Company, Inc., May 10, 2006; (3) Memorandum of Agreement between Nebraska and Bostwick Irrigation District in Nebraska, May 10, 2006; and (4) Memorandum from Ann Bleed to Jeanne Glenn, March 5, 2007. (Arbitration Exhs. 50-52, 44)

- K83 Letter of November 14, 2011, Michael J. Ryan, Regional Director, Bureau of Reclamation, to Justin D. Lavene and other counsel
- K84 Letter of January 10, 2008, Aaron Thompson to Justin Lavene
- K85 Reclamation Manual Policy WTR PO2
- K86 Contract between the United States of America and the Bostwick Irrigation District in Nebraska, dated July 25, 2000
- K87 Contract between the United States of America and the Kansas-Bostwick Irrigation District No. 2, dated July 25, 2000
- K88 Contract between the United States of America and the Frenchman-Cambridge Irrigation District, dated July 25, 2000
- K89 Contract between the United States of America and the Frenchman Valley Irrigation District, dated July 25, 2000
- K90 Amendatory Contract between the United States of America and the H & RW Irrigation District for Water Service and for the Operation and Maintenance of Certain Irrigation Works, dated April 12, 1985
- K91 Reclamation Statement on Concerns With Project Viability in the Republican River Basin, dated March 4, 2009
- K92 Martin, D. L., R.J. Suppalla, C.L. Thompson, B. P. McMullen, G. W. Hergert, and P. A. Burgener. 2010. "Advances in deficit irrigation management." 5<sup>th</sup> National Decennial Irrigation Conference. American Society of Agricultural and Biological Engineers. Publication No. 711P0810cd. Phoenix, AZ. Dec. 5-8, 2010.
- K93 Letter of May 7, 2008, from Aaron Thompson to Justin Lavene
- K94 Statement of Reclamation Regarding Proposed IMP for the Upper Republican NRD, November 1, 2007
- K95 Statement of Reclamation Regarding Proposed IMP for the Middle Republican NRD, January 8, 2008

- K96 Statement of Reclamation Regarding the Lower Republican NRD Ground Water Management Rules and Regulations and IMP, January 15, 2008
- K97 Kansas' Expert Witness Disclosure for Aaron M. Thompson, Area Manager, Nebraska-Kansas Area Office, Bureau of Reclamation, United States Department of Interior, dated November 18, 2011 (including attachments)
- K98 Curriculum Vitae of Dr. Norman Klocke, P.E.
- K99 "Development of Crop Production Functions for Irrigation in North Central Kansas," Expert Report by Dr. Norman L. Klocke, P.E. (November 18, 2011)
- K100 Martin, D.L., D. G. Watts, and J. R. Gilley, 1984. "Model and production function for irrigation management." Journal of the Irrigation Drainage Division of the American Society of Civil Engineers. 110(4):149-164
- K101 Supalla, R. J. 2011. "Procedures for adjusting APH when implementing a deficit irrigation insurance practice."
- K102 Klocke, N. L., R.S. Currie, D. J. Tomsicek, J. Koehn. 2011. "Corn yield response to deficit irrigation." Transactions of the American Society of Agricultural and Biological Engineers. 54(3):931-940
- K103 "Rebuttal Report," Expert Report of Dr. Norman L. Klocke, P.E.
- K104 Curriculum Vitae of Dr. Joel R. Hamilton
- K105 "Economic Analysis of Kansas Losses from Overuse of Republican River Water by Nebraska in 2005 and 2006," Expert Report by Dr. Joel R. Hamilton and Dr. M. Henry Robison (November 18, 2011)
- K106 "Economic Analysis of Nebraska Benefits from Overuse of Republican River Water by Nebraska in 2005 and 2006," Expert Report by Dr. Joel R. Hamilton and Dr. M. Henry Robison (November 18, 2011)
- K107 Comparison of NASS and Model Yields
- K108 Economic Impacts on Kansas by Source

- K109 Comparison of Spending and Value Added, Kansas and Nebraska
- K110 Components of Kansas Damages from Water Shortage
- K111 Components of Nebraska Benefits from Excess Irrigation
- K112 Third Report of Special Master, *Kansas v. Colorado*, No. 105, Orig., pp. 65-71 (Secondary Economic Damages)
- K113 Third Report of Special Master, *Kansas v. Colorado*, No. 105, Orig, App. 8 (Order Overruling Colorado's Objection to the Admissibility of Expert Testimony Regarding Secondary Economic Damages)
- K114 Willis, D., J. Hamilton, M. Robison, N. Whittlesey, and J. Draper. "Secondary Damages in Interstate Water Compact Litigation." *Natural Resources Journal*, pp. 679-696 (2008)
- K115 Supalla, R, T. Buell and B. McMullen. "Economic and State Budget Cost of Reducing the Consumptive Use of Irrigation Water in the Platte and Republican Basins." Prepared for the Nebraska Department of Natural Resources, August 21, 2006.
- K116 "Rebuttal Report Prepared by Dr. Joel R. Hamilton and Dr. M. Henry Robison," May 29, 2012
- K117 Curriculum Vitae of Dr. M. Henry Robison
- K118 [NOT USED]
- K119 [NOT USED]
- K120 [NOT USED]
- K121 Components of Damage Claim (Part 1 of 4)
- K122 Components of Damage Claim (Part 2 of 4)
- K123 Components of Damage Claim (Part 3 of 4)
- K124 Components of Damage Claim (Part 4 of 4)

K125 Components of Damage Claim in Prof. Sunding's Analysis

K126 Terminology for Kansas' Secondary Effects Analysis